

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

IN RE PLUG POWER INC. SECURITIES
LITIGATION

C.A. No. 23-409 (JLH)
CONSOLIDATED

**STIPULATION AND ~~PROPOSED~~ ORDER REGARDING BRIEFING SCHEDULE
AND VOLUNTARY DISMISSAL OF DEFENDANT DAVID MINDNICH**

Subject to the approval of the Court, lead plaintiffs Guy T. Brown and Wesley C. Brown, and defendants Plug Power Inc., Andrew Marsh, Paul B. Middleton, David Mindnich, and Sanjay Shrestha, stipulate and agree as follows:

WHEREAS,

A. In accordance with the Court's February 4, 2025 order [D.I. 65], the parties have conferred and agreed on representative statements to be addressed in defendants' anticipated motion to dismiss the Second Amended Class Action Complaint.

B. The parties have agreed on a proposed briefing schedule for defendants' forthcoming motion to dismiss.

C. Lead plaintiffs have agreed to voluntarily dismiss without prejudice the claims asserted against defendant David Mindnich in the Second Amended Class Action Complaint.

NOW, THEREFORE, it is hereby stipulated and agreed, subject to the Court's approval:

1. The representative statements to be addressed in the forthcoming motion to dismiss briefing shall be those identified in Paragraphs 131, 132, 139, 150(a) & (c), 152, 157(b) & (f), and 163(b) of the Second Amended Class Action Complaint.

2. Defendants shall file their motion to dismiss, not to exceed 30 pages, on or before April 30, 2025.

3. Lead plaintiffs shall file their opposition, not to exceed 30 pages, on or before June 18, 2025.

4. Defendants shall file their reply, not to exceed 15 pages, on or before July 18, 2025.

5. Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, lead plaintiffs voluntarily dismiss, without prejudice, the claims asserted against defendant David Mindnich in the Second Amended Class Action Complaint.

DATED: March 14, 2025

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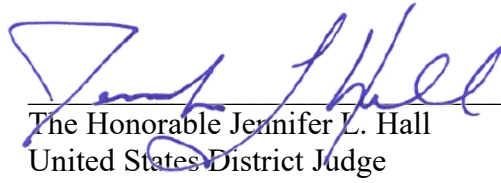
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IT IS SO ORDERED this 17th day of March, 2025.



The Honorable Jennifer L. Hall
United States District Judge